

LAWLER, METZGER, MILKMAN & KEENEY, LLC

2001 K STREET, NW  
SUITE 802  
WASHINGTON, D.C. 20006

REGINA M. KEENEY

PHONE (202) 777-7700  
FACSIMILE (202) 777-7763

September 30, 2005

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 02-55  
*Ex Parte Presentation*

Dear Ms. Dortch:

On Thursday, September 29, 2005, Lawrence Krevor, Vice President, Government Affairs – Spectrum, Sprint Nextel Corporation (“Sprint Nextel”), Geoff Stearn, Vice President, Spectrum Resources, Sprint Nextel, and I met with Heather Dixon, Media Bureau Attorney Advisor and interim legal advisor to Chairman Kevin Martin on spectrum issues. At this meeting, Sprint Nextel’s representatives and Ms. Dixon discussed issues relating to the above-captioned rulemaking on public safety communications in the 800 MHz band.

Specifically, Sprint Nextel’s representatives explained why there is no basis for granting the petitions for reconsideration or waiver requests filed by AIRPEAK Communications, LLC (“AIRPEAK”) and other SMR licensees in this proceeding. As Sprint Nextel has pointed out previously, the relief requested by these parties has nothing to do with the three primary goals underlying the Commission’s plan for reconfiguring the 800 MHz band: (1) the resolution of interference to public safety systems by separating low-site, high-density cellular systems from high-site systems; (2) the provision of additional spectrum for public safety communications; and (3) the provision of comparable facilities to retuned licensees.

Rather than furthering these public interest goals, these petitioners are seeking unwarranted improvements in their own spectrum positions. For example, Sprint Nextel provided Ms. Dixon with a map showing how AIRPEAK’s proposals would convert a limited, site-based license outside Las Vegas into an EA license encompassing the entire population of that city as well as surrounding areas. (A copy of this map is attached.) AIRPEAK’s petition is a spectrum grab that, if successful, would greatly increase the value of AIRPEAK’s holdings. There is no public policy basis for granting this windfall. AIRPEAK’s proposals have nothing to do with protecting public safety. Nor is its requested retuning necessary to provide it with comparable facilities.

As Sprint Nextel previously explained in this proceeding, a grant of the petitions filed by AIRPEAK or other SMR licensees would also be greatly unfair to Sprint Nextel. On February 7, 2005, Sprint Nextel accepted the Commission's 800 MHz band reconfiguration plan under the specific terms adopted in the *R&O* and the *Supplemental Order*. Petitioners' proposals would take spectrum rights away from Sprint Nextel after the fact, without any public interest basis and without providing it with any value in return. Grant of these proposals would undermine the Commission's effort to ensure that Nextel receives sufficient replacement spectrum as part of the value for value equation that underlies the 800 MHz band reconfiguration decision.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter and this attachment are being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

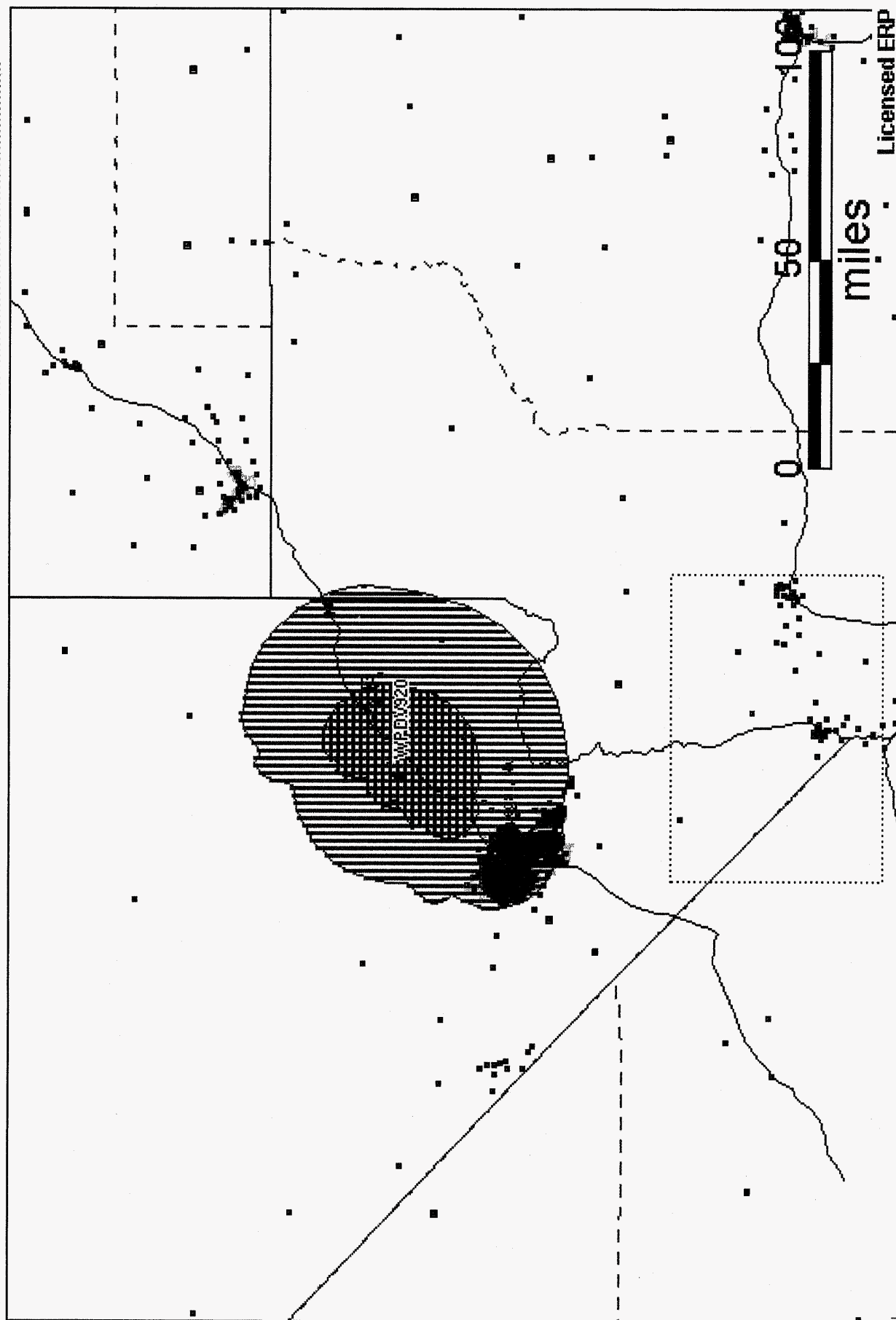
/s/ Regina M. Keeney  
Regina M. Keeney

cc: Heather Dixon  
David Furth  
Catherine Seidel  
Michael Wilhelm  
Sam Feder

| Allocation     |              |
|----------------|--------------|
| US - SMR       | R3 - Safety  |
| R1456 - Safety | R78 - Safety |
| R2 - Canadian  | Mex -        |

WPDV920 on 853.3125 - Ch.: 93 - 09/29/2005

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|-------|-----------------------------------|
| —     | 40 dBu Contour                    |
| —     | 22 dBu Contour                    |
| ◆     | Strategic Market (Ranked MSA/RSA) |
| - - - | Area of Economic Analysis (EPA)   |
| ..... | Border Region                     |



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